

1 State of New Hampshire Banking Department

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3 In re the Matter of:) Case No.: 08-BD-011
)
 4 State of New Hampshire Banking)
) Cease and Desist Order
 5 Department,)
)
 6 Petitioner,)
)
 7 and)
)
 8 Insurance Wholesalers Insurance)
)
 9 Services, Inc. (d/b/a Mortgage)
)
 10 Protection Insurance, d/b/a Mortgage)
)
 11 Protection Insurance Services, d/b/a)
)
 12 Mortgage Protection, and d/b/a)
)
 13 Mortgage Protection Svcs.),)
)
 14 Respondent)
)

15
16 NOTICE OF CEASE AND DESIST ORDER

17 This Cease and Desist Order (hereinafter "Order") commences an
18 adjudicative proceeding under the provisions of RSA 384:12-a, RSA 384:67 and
19 RSA 384:68 in conformity with RSA 541-A:31 through RSA 541-A:36.

20 LEGAL AUTHORITY AND JURISDICTION

21 Pursuant to RSA 383:9 ("Duties"), banks shall be under the control and
22 supervision of the Bank Commissioner (hereinafter "the Commissioner"). Many
23 of the powers now vested in the Commissioner are listed in RSA Chapter 384,
24 entitled "General Provisions As To Savings Banks, Trust Companies, And
Depositories".

25 Pursuant to RSA 384:12-a ("Cease and Desist Order"), IV, if, in the
opinion of the Commissioner, an individual or business entity is engaging in

1 or has engaged in any act or conduct in violation of RSA 384:67, the
2 Commissioner may issue and serve an order upon the individual or business
3 entity requiring the individual or business entity to cease and desist from
4 such act or conduct.

5 Pursuant to RSA 384:68 ("Enforcement"), the Commissioner may issue a
6 cease and desist order, as provided in RSA 384:12-a, IV, against any
7 individual or business entity which engages in any act or conduct in
8 violation of RSA 384:67 involving a financial institution under the
9 jurisdiction of the Commissioner and may bring legal action to enforce the
10 order.

11 Pursuant to RSA 383:10-d ("Consumer Complaints and Restitution"), the
12 Commissioner shall have exclusive authority and jurisdiction to investigate
13 conduct that is or may be an unfair or deceptive act or practice that may
14 violate any of the provisions of Titles XXXV and XXXVI and administrative
15 rules adopted thereunder. The Commissioner may hold hearings relative to
16 such conduct and may order restitution for a person or persons adversely
17 affected by such conduct.

18 **NOTICE OF RIGHT TO REQUEST A HEARING**

19 The above named Respondent, or any interested party, has the right to
20 petition for a hearing on this Cease and Desist Order (hereinafter "Order"),
21 as well as the right to be represented by counsel. If the above named
22 Respondent to whom this Order is issued, or any interested party, fails to
23 request a hearing within 30 calendar days of receipt of such Order, then such
24 person shall be deemed in default, and the Order shall, on the thirty-first
25 day, become permanent and shall remain in full force and effect until and
unless later modified or vacated by the Commissioner, for good cause shown.
Any such request for a hearing shall be in writing, signed by the Respondent
or by the duly authorized agent of the above named Respondent, and shall be

1 delivered either by hand or certified mail, return receipt requested, to the
2 Banking Department, State of New Hampshire, 53 Regional Drive, Suite 200,
3 Concord, NH 03301.

4 A hearing shall be held not later than 10 days after the petition for
5 such hearing is received by the Commissioner. Within 20 days of the date of
6 any such hearing the Commissioner shall issue a further order either vacating
7 this Order or making it permanent as the facts require. All hearings shall
8 comply with RSA 541-A. If the person to whom this Order is issued fails to
9 appear at the petitioned hearing after being duly notified of the date and
10 time, such business entity shall be deemed in default, and the proceeding may
11 be determined against it upon consideration of this Order, the allegations of
12 which may be deemed to be true.

13 **STATEMENT OF ALLEGATIONS, APPLICABLE LAW, AND RELIEF REQUESTED**

14 The Staff Petition dated October 22, 2008 (a copy of which is attached
15 hereto) is incorporated by reference herein.

16 **ORDER**

17 WHEREAS, finding it necessary and appropriate and in the public
18 interest, and consistent with the intent and purposes of the New Hampshire
19 banking laws, and

20 WHEREAS, finding that the allegations contained herein, if proved true
21 and correct, form the legal basis of the relief requested,

22 It is hereby ORDERED, that:

- 23 1. The Respondent shall immediately cease and desist from the
24 unauthorized and deceptive use of the full or abbreviated
25 name, trade name, service mark, or trademark of any financial
institution in any written, electronic, or oral advertisement
or solicitation for products or services;

1 2. The Respondent shall immediately cease and desist from
2 including loan information relative to a specifically
3 identified consumer that is publicly available in:

4 a. any written or electronic solicitation when the
5 advertisement or solicitation does not clearly and
6 conspicuously state on the front page or introduction
7 in bold-faced type in the same font size as is
8 predominately used in the advertisement or solicitation
9 disclosing that such individual or business entity is
10 not sponsored by or affiliated with, and that such
11 solicitation is not authorized by, the financial
12 institution and that the information was retrieved from
13 public records, or

14 b. an oral solicitation when the same disclosure is not
15 made at the beginning of the solicitation;

16 3. The Respondent shall show cause why it should not pay
17 administrative penalties in the amount of \$2,500.00 per each
18 violation of RSA 384:67 ("Unauthorized and Deceptive Use");

19 4. Failure to request a hearing within 30 days of the date of
20 receipt of this Order shall result in a default judgment
21 being rendered and administrative penalties being imposed
22 upon the defaulting Respondent.

23 SIGNED,

24 Dated: 10/22/08

25 _____
/s/
PETER C. HILDRETH
BANK COMMISSIONER